

Notice of Allowability

Application No.

10/010,968

Examiner

Samuel G Gilbert

Applicant(s)

ELLIOTT ET AL.

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed.
2. ☒ The allowed claim(s) is/are 4, 5, 8-13, 19-31, 38, 39, 41-47, 49, 52-55, 58, 60, 61, 64 and 66-74.
3. ☒ The drawings filed on 11/13/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art does not teach or fairly suggest an apparatus or method as claimed including...

Claim 19 - first and second z-axis automated motion control systems and a computer processor executing an auto calibration routine.

Claim 21 - a needle control system and a cannula motion control system wherein the control system moves the needle to position radioisotopes from the needle to the cannula after initially moving the needle and cannula along an insertion path.

Claim 38 - a z-axis control system, a targeting indication system and a plurality of light emitting devices that generate a plurality of light beams on the location.

Claim 44 - a first and second z axis automated motion control system.

Claim 45 - first and second z-axis automated control systems.

Claim 49 - a method using a z-axis automated motion control system for selectively inserting a needle and cannula.

Claim 52 - a method using a z-axis automated motion control system for selectively inserting a needle and cannula.

Claim 58 - first automated means for moving a cannula, second automated means for moving an ultrasound probe and computer processor means monitoring and selectively adjusting a base plane position relative to a body organ.

Claim 60 - first automated means for moving a needle assembly, second automated means for moving an ultrasound probe and computer processor means for automatically calibrating the second automated means.

Art Unit: 3736

Claim 61 - first automated means for moving a needle, second automated means for moving an cannula.

Claim 66 - first automated means for moving a needle assembly, second automated means for moving an ultrasound probe and computer processor means for automatically calibrating the second automated means.

Claim 67 - a z-axis automated motion control system and a processor connected to the motion control system and a user interface.

Claim 74 - a method for automated positioning including sensing a resistance above normal and stopping the advance of the system.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G Gilbert whose telephone number is 703-308-3553. The examiner can normally be reached on M-F 5:30-2:00.

Art Unit: 3736

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 703-308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Samuel G Gilbert
Primary Examiner
Art Unit 3736

sgg